

After review of the pleadings, the Magistrate Judge issued a Report and Recommendation (Docket No. 21) recommending the motion for summary judgment be granted and the lawsuit dismissed without prejudice. A copy of this Report was sent to the Plaintiff at his last known address, but was returned as undeliverable. The Clerk of the Court contacted the Bowie County Correctional

Center and was informed Plaintiff was no longer there and no forwarding address was available. The declarations on the lawsuit form completed by Plaintiff include one reading as follows:

I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in dismissal of this lawsuit.

No objections to the Report have been received to date. The Court, therefore, reviews the findings of fact and conclusions of law contained therein for plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1); *see also U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").


Having reviewed the record and the Report and Recommendation, the Court agrees with the Magistrate Judge that Plaintiff did not exhaust his available administrative remedies concerning his claims before filing this suit, and that dismissal is proper. It is accordingly

ORDERED that the findings of facts and conclusions of law contained in the Magistrate Judge's Report and Recommendation (Docket No. 21) are **ADOPTED** as those of the Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies. It is further

ORDERED that any motions not previously ruled on are hereby **DENIED**.

SIGNED this 26th day of February, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE